

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**HERIBERTO LATIGO,
MARIA D. LUCIO DE LATIGO,
and
QIJUN SONG,
Defendants.**

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CRIMINAL NUMBER 21-cr-575

**GOVERNMENT'S MOTION TO SEAL ALL DOCUMENTS FILED BY
DEFENDANTS WITHOUT COUNSEL**

NOW COMES the United States of America, through Jennifer B. Lowery, United States Attorney, and the undersigned Sherri L. Zack, Assistant United States Attorney, and files this Motion to Seal all Documents Filed by Defendants Without Counsel and would show the Court the following:

In October of 2017, Heriberto Latigo was convicted of Stalking in cause number 4:15-cr-295. Heriberto Latigo represented himself during the trial and was given copies of all discovery, including all sealed documents. Those documents included personally identifiable information, details concerning medical procedures, sexually graphic descriptions of both consensual and non-consensual encounters, victim information, witness information, grand jury material, sealed search warrants, sealed motions, and responses.

Portions of many of those documents were posted on Heriberto Latigo's website, bellybuttonoftheuniverse.com, a corresponding blog and Facebook page. Those posts and other evidence of the conspiracy between Heriberto Latigo, his mother, Maria Latigo, and his girlfriend Qijun Song, form the basis of the current stalking charges against these individuals. Those posts were also the basis for the supervised release violation committed by Heriberto Latigo in the prior case.

During the prosecution of the supervised release revocation presided over by Judge Hoyt, Heriberto Latigo was ordered to have all sealed court documents returned to the FBI. Judge Hoyt acknowledged that Heriberto Latigo was in custody but pointed out that the documents in question were at the home he shared with his mother, current Defendant Maria Latigo. Further, Heriberto Latigo executed a power of attorney naming his mother and co-defendant Qijun Song as his designees.

After several orders and hearings, including those focused on Latigo causing his surrogates to file an unsealed document in Harris County which contained excerpts about the victim from the contents of the website at issue, the sealed documents were returned to Heriberto Latigo's attorney's office by Qijun Song.

Prior to the sealed documents being returned, someone had to have copied them. Given that the documents were in Maria Latigo's home and were returned by Qijun Song, one or both is responsible for the copies being made. The fact that

Defendant Maria Latigo used some of this material in an attempted court filing is proof of the copying.

During the original prosecution, Judge Hoyt ordered that all filings by the Defendant, Heriberto Latigo, were to be sealed. This order was put in place to protect the victim as the Defendant repeatedly used her name and personal information, most of which was untrue, inflammatory, and harmful in his filings.

On March 23, 2022, the Defendant, Maria Latigo, attempted to publicly file, pro se, a document titled Maria Latigo's Affidavit. Dkt. 43. This Court, recognizing that this document contained sealed material from a previous case, filed it under seal. Defendant, Maria Latigo, included in her submission Special Agent Petrowski's grand jury transcript from *United States v. Latigo*, 4:15-cr-295, portions a sealed search warrant affidavit from that case referring directly to the victim of this case and the previous case, as well as potential witnesses in this case. Additionally, the Defendant has reproduced portions of the website that were ordered taken down by Judge Hoyt. It is this behavior that Judge Hoyt was trying to curtail when he ordered the return of the sealed documents and the closure of the website during the supervised release violation hearings.

The Defendant, and/or her co-defendant Song, must have copied and retained documents from the prior case against co-defendant, Heriberto Latigo. While Judge

Hoyt did not expressly order the return of grand jury material, it is clear from the hearings and his orders that he did not want any further dissemination of the case material, much of which was sealed to protect the victim and witnesses in Heriberto Latigo's prior case. The Defendant, by publishing this document to this Court and attempting to have it filed on Pacer, where it would be publicly available, has done what Judge Hoyt wanted to avoid.

Since the filing, and sealing by this Court, of the affidavit by Defendant Maria Latigo, Defendant Heriberto Latigo has made several filings, the most recent are Document numbers 48 and 49. These filings contain hundreds of pages. The "affidavits" restate the Defendant's allegations against Judge Hoyt, SA Petrowski (FBI retired), this AUSA and others. Most importantly, the victim's name is all over the documents. The Defendant is continuing to harass her by filing publicly available documents containing her personal information and accusing her of participating in a conspiracy that only exists in his mind. Not only is this information available to the public, but it is also harmful to her reputation and to her mental wellbeing. Heriberto Latigo has already been convicted of stalking her once and it appears he will go to any lengths he can to continue to harass her. His latest vehicle to harass the victim is couched as a complaint against the Government, the FBI, and his attorneys.

The United States requests that this Court order the United States Clerk's

Office for the Southern District of Texas seal all documents filed by Heriberto Latigo and his co-defendants, previously and in the future, unless they are filed by licensed attorneys representing the parties in this matter. The United States is confident that the attorneys in this matter will abide by all local rules and applicable statutes in their filings. Nothing in this motion should be construed to suggest that counsel had anything to do with these filings or provided the Defendants with any of the documents used by the Defendants.

Respectfully submitted,

JENNIFER B. LOWERY
United States Attorney

By:

s/ Sherri L. Zack
Sherri L. Zack
Assistant United States Attorney
Southern District of Texas
Phone: 713-567-9374

CERTIFICATE OF CONFERENCE

I have conferred with counsel for the Defendants. Counsel for Heriberto Latigo and Maria Latigo are unopposed to the Government's Motion to Seal. The Government has not heard back from Counsel for Ms. Song.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Government's Motion to Seal Documents was served via ECF on this 27th day of May 2022.

s/ Sherri L. Zack

Sherri L. Zack

Assistant United States Attorney